

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JON MAJOR,

Petitioner,

Case No.3:23-cv-05307-TMC

V.

CHERYL STRANGE,

Respondent.

ORDER DISMISSING ACTION

Before the Court is the Report and Recommendation (“R&R”) of the Honorable Michelle L. Johnson, United States Magistrate Judge, which recommends dismissal of Petitioner Jon Doe’s third amended petition for writ of habeas corpus under the “fugitive entitlement doctrine,” pursuant to which courts may “dismiss an appeal or writ in a criminal matter when the person seeking relief is a fugitive.” *Degens v. United States*, 517 U.S. 820, 823 (1996). No party objected to the R&R, which is now ripe for the Court’s consideration. *See* Dkt. 47 at 11. Petitioner requested an extension of time for him to surrender, which was granted, Dkt. 52, but did not surrender. *See* Dkt. 53. After reviewing the briefing of the parties and the remaining issues, the Court hereby finds and ORDERS:

(1) The Report and Recommendation is approved and adopted.

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1 (2) Petitioner's third amended petition for writ of habeas corpus (Dkt. 18), and this
2 action, are DISMISSED without prejudice under the fugitive disentitlement doctrine.

3 (3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the
4 United States District Courts, a certificate of appealability is DENIED.

5 (4) The Clerk is directed to send copies of this Order to Petitioner, to counsel for
6 Respondent, and to the Honorable Michelle L. Peterson.

7 DATED this 21st day of December, 2023.

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Tiffany M. Cartwright
United States District Court Judge